

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MELVIN JACKSON,	)	
	)	
Plaintiff,	)	Case No.: 4:10-cv-02560
	)	
vs.	)	PLAINTIFF'S COMPLAINT
	)	AND DEMAND FOR JURY TRIAL
TRS RECOVERY SERVICES A/K/A	)	
TELECHECK SERVICES, INC.,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT**

MELVIN JACKSON, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against TRS RECOVERY SERVICES A/K/A TELECHECK SERVICES, INC., ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in Canton, Madison County, Mississippi.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: Telecheck Services, Inc., 5251 Westheimer Road, Houston, TX 77056.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

**FACTUAL ALLEGATIONS**

**A. DEBT**

11. Plaintiff incurred a financial obligation in the approximate amount of \$1782.79 (the “Debt”) to Wal-mart (the “Creditor”) in connection with unauthorized or improper debits from Plaintiff’s M&F Bank checking account.

12. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. §1692a(5).

13. The debt was incurred on or about June 2010

14. Three checks were stolen from Plaintiff, who lives in an assisted living facility.

15. Plaintiff reported the checks as stolen and the debt incurred through them as unauthorized.

16. Plaintiff's bank, M&F Bank, stopped payment on the checks and returned them to Wal-Mart.

17. M&F Bank informed Wal-Mart that the checks had been stolen and the debt incurred through them was unauthorized.

18. On Plaintiff's behalf, a police report was filed regarding the stolen checks.

19. The alleged Debt was purchased, assigned or transferred to TRS Recovery Services a/k/a Telecheck Services, Inc. for collection, or TRS Recovery Services a/k/a Telecheck Services, Inc. was employed by the Creditor to collect the Debt.

20. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. §1692a(2).

**B. HARASSMENT AND ABUSIVE TACTICS**

21. Defendant constantly and continuously places collection calls to Plaintiff's son, Mr. Jim Cloman, seeking and demanding payment for the alleged debt.

22. Defendant calls Mr. Cloman from telephone number 713-567-0499 seeking and demanding payment for the alleged debt.

23. Defendant has caused Mr. Cloman's personal phone to ring and has engaged Plaintiff in telephone conversations repeatedly.

24. Defendant began calling July 6, 2010.

25. Defendant has resorted to abusive language when Mr. Cloman refuses to put Plaintiff on the line or divulge another number for Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

26. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c.) Defendant violated §1692e(2) of the FDCPA by communicating a false impression of the character, amount, or legal status of the alleged debt.
- d.) Defendant violated §1692d(2) of the FDCPA by resorting to profane or other abusive language.
- e.) Defendant violated §1692b(3) of the FDCPA by contacting a person other than Plaintiff more than once in communications with persons other than Plaintiff.

WHEREFORE, Plaintiff, MELVIN JACKSON, respectfully requests judgment be entered against Defendant, TRS RECOVERY SERVICES A/K/A TELECHECK SERVICES, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MELVIN JACKSON, demands a jury trial in this case.

This 20th day of July, 2010.

ALEX SIMANOVSKY & ASSOCIATES, LLC

/s/ Dave Lilley

Dave Lilley, Esq.  
TX Bar No. 24035064  
Attorney for Plaintiff

Alex Simanovsky & Associates, LLC  
1912 Loop 11  
Wichita Falls, TX 76306  
Phone: 1-866-865-3666, Ext. 1056  
Fax: 877-570-5413

Corporate Office Address:  
2300 Henderson Mill Road, Suite 300  
Atlanta, GA 30345  
Phone: (770) 414-1002, Ext. 1012  
Fax: (770) 414-9891